

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE MOUNTAINEERS; NORTH CASCADES
CONSERVATION COUNCIL; SIERRA CLUB;
and WASHINGTON WILDERNESS
COALITION,

Plaintiffs.

UNITED STATES FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE; THE HONORABLE ANN M. VENEMAN, in her official capacity as Secretary, U.S. Department of Agriculture; THE HONORABLE DALE N. BOSWORTH, in his official capacity as Chief, U.S. Forest Service; THE HONORABLE LINDA GOODMAN, in her official capacity as Regional Forester, Pacific Northwest Region; THE HONORABLE JAMES L. BOYNTON, in his official capacity as Forest Supervisor for the Wenatchee National Forest; THE HONORABLE ALAN QUAN, in his official capacity as Deputy Forest Supervisor of Wenatchee National Forest; THE HONORABLE KARIN B. WHITEHALL, in her official capacity as District Ranger, Entiat District of Wenatchee National Forest.

Defendants

NO. C05-1418RSM

**STIPULATION FOR ORDER
MODIFYING INJUNCTION AND FOR
ENTRY OF JUDGMENT; ORDER
THEREON**

WHEREAS the parties to this action, have reached a separate settlement agreement; and

WHEREAS pursuant to this settlement agreement, the parties are mutually desirous of a

1 modification of the Court's June 19, 2006 order, to clarify that the Forest Service is allowed to engage in
 2 certain specified activities without violating the injunction, and thereafter to enter final judgment in the
 3 action,

4 NOW THEREFORE, the parties, through their respective counsel of record, do hereby stipulate
 5 and agree that the Court may make and enter the following order:

6 The injunction filed herein on June 19, 2006, shall be modified to clarify that, notwithstanding the
 7 Court's determination that the Forest Service should be enjoined from proceeding with the Mad River
 8 Trail Project on the basis of the Mad River Trail Project environmental assessment, the Forest Service
 9 shall not be enjoined from undertaking any of the following actions:

10 1. Trail Relocation and Maintenance:

11 Notwithstanding the injunction, the Forest Service may undertake the following relocation and
 12 maintenance activities contemplated by the Mad River Trail Project Decision:

13 a. The Forest Service may relocate to the upslope the identified segments of the Mad
 14 River Trail between Pine Flats Campground and Maverick Saddle to alleviate
 15 sedimentation into threatened, endangered and sensitive fish species habitat. The
 16 segments are:

17 (1) 1.7 miles of trail at Windy Creek (below Camp Nine), with removal of
 18 gabion baskets;
 19 (2) 1.2 miles at Alma Creek (below Cougar Creek); and
 20 (3) 1.6 miles of small trail segments at less than 0.2 miles apiece, including the
 21 trail through the cedar grove and the swamp at up to 14 different locations.

22 b. The relocation may be done by hand and trail machine (no wider than 30 inches)
 23 with native materials at each relocated segment, except for the relocation of the
 24 trail segment between Pine Flats and the bottom of the switchbacks, which shall be
 25 done by hand. The Forest Service will not use grid blocks or other artificial tread
 26 materials on any of the segments to be relocated pursuant to this stipulation.

27 However, natural rock and timbers may be used to construct crib walls,
 28 puncheons, switchbacks and other structures.

- c. The Forest Service will maintain the existing “More Difficult” rating for the Mad River Trail. *See Forest Service Handbook 2309.18, Chap 2.3a, Exhibit 01, Motorized Bike Guide.*
- d. The Forest Service may eliminate overhead hazards in the lower Mad River Trail in accordance with its ordinary and regular protocol.
- e. The Forest Service may undertake routine trail maintenance on the Mad River Trail for drainage and tread improvements, including but not limited to brushing, log-out, drainage structure repair, tread lift, puncheon construction and spot surface stabilization to accommodate all trail users. This work may be done by hand or by using a trail machine no wider than 30 inches, with the following conditions:
 - (1) All trail maintenance taken pursuant to subparagraph (e), including but not limited to repairing slumps, clearing brush, and removing fallen logs from the trail, or eliminating overhead hazards, between Pine Flats and the switchbacks and between the Billy Creek Trail #1416 intersection with Mad River Trail and Maverick Saddle, will be done by hand.
 - (2) No grid blocks or other artificial tread materials will be used; natural rock and timber may be used to construct crib walls, puncheons, switchbacks and other structures.
 - (3) Only routine trail maintenance will be performed on the 1.2 miles of the Alma Creek segment pending completion of the relocation pursuant to paragraph I.
 - (4) The Forest Service will post signs along the 1.2 mile Alma Creek segment reflecting impassability to motorized traffic due to trail conditions where appropriate.
- f. The Forest Service may implement appropriate invasive weed control on the Mad River Trail pursuant to the Forest weed control program.

g. The Forest Service may redesign or reconstruct the Pine Flats campground and trailhead to separate trailhead use from campground use and/or to protect the riparian area.

It is hereby further ordered that the Court retains jurisdiction to enforce its injunction as modified.

SO STIPULATED:

DATED this 16th day of May, 2007.

SALTER JOYCE ZIKER

s/ Andrew H. Salter
Andrew H. Salter
WSB No. 11954

KARL F. FORSGAARD

s/ Karl F. Forsgaard
Karl F. Forsgaard
WSB No. 12639
Attorneys for Plaintiff

SO STIPULATED:

DATED this 16th day of May, 2007.

JEFFREY C. SULLIVAN
United States Attorney
s/ Brian C. Kipnis

BRIAN C. KIPNIS
Assistant United States Attorney
Attorneys for Defendants

ORDER

IT IS SO ORDERED.

DATED this 22 day of May, 2007.


Ricardo S. Martinez
United States District Judge

**STIPULATION FOR ORDER MODIFYING INJUNCTION AND
FOR ENTRY OF JUDGMENT; ORDER THEREON - 4**
(C05-1418RSM)

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